

REMARKS

Claim Rejections

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Von Fahnstock et al. (US 5,451,523) in view of Darling et al. (US Pub. 2004/0265993) and Lewis (US Pub. 2006/0010947).

Amended Claims

By this Amendment, Applicant has chosen to cancel non-selected claims 7-10. Applicant also respectfully traverses the rejection of claims 1-6 as being rendered unpatentable over Von Fahnstock et al. in view of Darling et al. and Lewis. Applicant submits that neither Darling et al. nor Lewis are "prior art" under any section of 35 U.S.C. §102 with respect to the instant application.

On p. 5 of the outstanding Final Office Action, the Examiner has stated that "Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55." In response, Applicant has fully perfected priority by enclosing herewith a certified copy of the Korean application 2003-71695, filed on May 10, 2003, and a verified translation.

In view of the foregoing perfection of priority, Applicant submits that it is clear that Darling et al. is not "prior art" under any section of 35 U.S.C. §102 with respect to the instant application. Applicant notes that 35 U.S.C. §102 (e)(1) requires that a published application be by another filed in the United States before the invention by the Applicant for a patent. The published application to Darling et al. was not filed in the United States until June 30, 2003, a date that is subsequent to the Applicant's date of invention on the record of this application, which is Applicant's priority date of May 10, 2003. In the instant application, Applicant has perfected the claim to priority by claiming priority to Korean application no. 2003-71695, filed on May 10, 2003, in the Declaration for Patent Application and Appointment of Attorney filed with the application.

In view of the foregoing perfection of priority, Applicant submits that it is clear that Lewis is not "prior art" under any section of 35 U.S.C. §102 with respect to the

instant application. Applicant notes that 35 U.S.C. §102 (e)(1) requires that a published application be by another filed in the United States before the invention by the Applicant for a patent. The published application to Lewis was not filed in the United States until October 28, 2003, a date that is subsequent to the Applicant's date of invention on the record of this application, which is Applicant's priority date of May 10, 2003. In the instant application, Applicant has perfected the claim to priority by claiming priority to Korean application no. 2003-71695, filed on May 10, 2003, in the Declaration for Patent Application and Appointment of Attorney filed with the application.

Thus, it is believed to be quite evident that neither Darling et al. nor Lewis are "prior art" under 35 U.S.C. § 102 and, therefore, cannot be used as prior art in a rejection made under 35 U.S.C. § 103. The outstanding rejection of claims 1-6 as being rendered unpatentable over Fahnestock et al. in view of Darling et al. and Lewis is respectfully traversed.

Applicant respectfully requests the rejections of claims 1-6 as being rendered unpatentable over Von Fahnestock et al. in view of Darling et al. and Lewis be withdrawn.


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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